

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

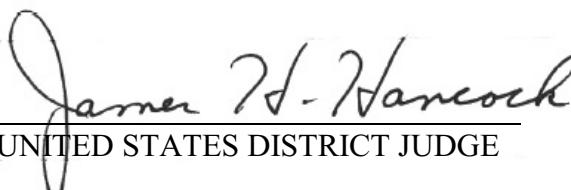
JOHNNY MILLER, III,)
Petitioner,)
v.) CIVIL ACTION NO. 08-H-1776-S
WARDEN BILLY MITCHEM;)
ATTORNEY GENERAL FOR THE)
STATE OF ALABAMA,)
Respondents.)

MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation on August 17, 2009 recommending that the petition for writ of habeas corpus be dismissed. On September 1, 2009 petitioner Johnny Miller, III filed objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and objections thereto, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the objections are due to be OVERRULED and the petition for writ of habeas corpus is due to be DISMISSED. A Final Judgment will be entered.

DONE this the 15th day of September, 2009.



SENIOR UNITED STATES DISTRICT JUDGE